

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JIMMIE HORNE,

Plaintiff,
v.

DR. DAUGHTRY, et al.,

Defendants.

ORDER

Case No. 23-cv-621-jdp

JIMMIE HORNE,

Plaintiff,
v.

DR. BREEN, et al.,

Defendants.

ORDER

Case No. 23-cv-622-jdp

On September 19, 2023, I ordered plaintiff Jimmie Horne to submit an initial partial payment of \$63.02 for each of these cases by October 23, 2023. On September 22, 2023, plaintiff filed a motion to use release account funds to pay the filing fees in full. I denied that motion, explaining that federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. The only exception is when a prisoner does not have enough money in his regular inmate account to pay an initial partial payment. However, as this court ruled in *Carter v. Bennett*, 05-cv-524-bbc, "prison officials will draw funds first from the prisoner's regular account and any portion of the initial partial payment remaining from the prisoner's release account." 05-cv-524, dkt. 5 at 2. In other words, before prison officials take any money from Horne's release account, they may

withdraw up to \$126.04 from his regular inmate account to pay the initial partial payments. Even if plaintiff would prefer to pay the filing fees in full with money from his release account, this court lacks the authority to order prison officials to do so.

ORDER

IT IS ORDERED that:

1. Plaintiff Jimmie Horne's second and third motions to use money from his release account to pay the \$350 filing fees for these cases are DENIED.
2. Plaintiff has until October 23, 2023, to submit a check or money order payable to the Clerk of Court in the amount of \$63.02 for each case, or \$126.04 in total. If plaintiff fails to make the initial partial payments or show cause for his failure to do so by October 23, 2023, then plaintiff will be deemed to have withdrawn these actions voluntarily and the cases will be closed without prejudice to plaintiff refiling them at a later date.

Entered this 3rd day of October, 2023.

BY THE COURT:

/s/
ANDREW R. WISEMAN
United States Magistrate Judge